THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 25170 of 2006

12-06-2007

Between:

Tupakula Ramulu and three others.

Petitioners

And

The Municipal Commissioner,
Pulivendla, Kadapa district
and three others.

Respondents

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 25170 of 2006

Oral Order:

The writ petition is directed against the notification dated
25-10-2006 issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') proposing acquisition of the specified lands for construction of a sewage treatment plant. The lands are situated at Kachivaripalli village, Pulivendla Mandal, Kadapa district.

The petitioners claim to be the owners of the lands in question. They assail the proposal for acquisition on the grounds that they are small and marginal farmers pursuing their livelihood on the agricultural operations in the lands and that the land is being sought to be taken over without payment of compensation.

Learned Government Pleader for Land Acquisition obtained instructions and submits on behalf of the respondents that no urgency has been invoked nor enquiry under Section 5-A of the Act dispensed with. Notices have been issued to the petitioners soliciting their objections to the process of acquisition. As per the instructions received by the learned Government Pleader, though notices were issued to the petitioners, they have not chosen to lodge any objections to the acquisition process. Enquiry under Section 5A of the Act was conducted on 20-11-2006 and subsequently as no objections were lodged by the petitioners draft declaration under Section 6 of the Act was also issued and published in the gazette on 07-12-2006.

In the light of the above submissions, no relief could be granted in this writ petition. As the enquiry under Section 5A of the Act has not been dispensed with and petitioners were afforded an opportunity to lodge their objections, but have failed to do so, they are not entitled to any relief in this writ petition. If the petitioners have any

grievance as to the quantum of compensation determined in the award to be eventually passed, the petitioners are always at liberty to seek relief under the provisions of the Act. For interdiction of acquisition proceedings, no grounds exist. The writ petition is devoid of merits and is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dated: 12-06-2007
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